

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SYLVESTER MOORE,  
Plaintiff,

v.

M. MAGAT, et al.,  
Defendants.

Case No. 14-cv-03608-HSG (PR)

**ORDER ADDRESSING PENDING  
MOTIONS**

Re: Dkt. Nos. 25, 28, 29, 32

**INTRODUCTION**

On August 8, 2014, plaintiff, a state prisoner incarcerated at the Nevada Southern Detention Center filed a pro se amended complaint pursuant to 42 U.S.C. § 1983, alleging constitutional violations at Santa Rita Jail and the Glenn E. Dyer Detention Facility, where he was housed as a federal pre-trial detainee. On November 24, 2014, the Court screened the complaint and ordered service on seven defendants.

Defendants have filed an administrative motion for extension of time to file their dispositive motion. Also before the Court are several miscellaneous motions brought by plaintiff.

**DISCUSSION**

**A. Defendants' Motion for Extension of Time**

Good cause appearing, defendants' motion for an extension of time to file their dispositive motion is GRANTED. The deadline for defendants to file a dispositive motion is CONTINUED to **July 27, 2015**. Plaintiff shall file any opposition to defendants' motion within **twenty-eight (28)** days of the date the motion is filed. Defendants shall file a reply within **fourteen (14)** days of the date the opposition is filed.

**B. Plaintiff's Request for Settlement Conference**

Plaintiff has requested that the Court refer this action for a settlement conference. The request is DENIED as premature. As noted above, defendants anticipate filing a dispositive motion. The Court will therefore refer the action for settlement discussions after ruling on the dispositive motion, if any issues remain unresolved. Plaintiff may submit his own proposed settlement in writing to defendants' counsel if he is so inclined.

**C. Plaintiff's Request for Appointment of Counsel**

Plaintiff has requested appointment of counsel. This is plaintiff's second request for appointment of counsel in this action. For the reasons stated in the Court's November 24, 2014 Order, plaintiff's new request for appointment of counsel is DENIED.

**D. Plaintiff's Motion for Production of Documents**

Plaintiff has filed a motion for production of documents. The Court has reviewed the motion and determines that is actually a discovery request that plaintiff intended to serve on defendants. The filing reflects plaintiff's misunderstanding of the discovery process, as a party may not obtain discovery by simply telling the Court what he wants to learn. The Court generally is not involved in the discovery process and only becomes involved when there is a dispute between the parties about discovery responses. Discovery requests and responses normally are exchanged between the parties without any copy being sent to the Court. See Fed. R. Civ. P. 5(d)(1) (listing discovery requests and responses that "must not" be filed with the Court until they are used in the proceeding or the Court orders otherwise). Accordingly, the motion will be ADMINISTRATIVELY TERMINATED.

**E. Plaintiff's Motion to Compel**

Finally, plaintiff has filed a motion to compel discovery from third parties, specifically, the Alameda County Sheriff, and sheriff deputies Macintire and Shawn. There is no indication plaintiff has submitted either (1) a discovery request under rules 26-37 of the Federal Rules of Civil Procedure, or (2) a third-party subpoena to the Court for service, under Federal Rule of Civil Procedure 45. Further, plaintiff fails to certify that he has fulfilled the meet and confer requirement under Federal Rule of Civil Procedure 37(a)(1) and Northern District of California

Civil Local Rule 37-1(a). Accordingly, plaintiff's motion to compel is DENIED.

**CONCLUSION**


For the foregoing reasons, the Court orders as follows:

1. Defendants' motion for an extension of time to file a dispositive motion (dkt. no. 25) is GRANTED. Briefing shall proceed in accordance with the schedule set forth above.
2. Plaintiff's request for a court-ordered settlement conference (dkt. no 28) is DENIED.
3. Plaintiff's request for appointment of counsel (dkt. nos. 28, 32) is DENIED.
4. The Clerk is directed to ADMINSTRATIVELY TERMINATE plaintiff's motion for production of documents (dkt. no. 29).
5. Plaintiff's motion to compel (dkt. no 32) is DENIED.

This Order terminates Docket Nos. 25, 28, 29, and 32.

**IT IS SO ORDERED.**

Dated: 3/23/2015

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge